

REMARKS

By virtue of this response, claims 1-11, 13-17, 23-34, 36-40, 46-57, 59-63, 69-92 are currently amended, and claim 93 is added. Accordingly, claims 1-93 are pending. No new matter has been added through the amendment of the respective claims. Amendment or cancellation of subject matter is not to be construed as an abandonment of any subject matter.

Claim Objections

Claims 4-23, 27-46, 50-68, and 72-92 were objected to under 37 CFR 1.75(c) as allegedly being in improper form because of multiple dependent claims 4, 27, 50, and 72.

In response, claims 4, 6-11, 13-15, 17-23, 27, 29-34, 36-38, 40, 46, 50, 52-57, 59-61, 63, 72, 74, 76, 78-82, 84, 90-92 have been amended. Accordingly, Applicants respectfully request withdrawal of the objections of claims 4-23, 27-46, 50-68, and 72-92.

Claim Rejections Under 35 USC §102

Claims 1-3, 24-26, 47-49, and 69-71 are rejected under 35 U.S.C. 102(e) as allegedly being anticipated by Nasshan et al. (EP0876008A1) ("Nasshan").

In response, claim 1 has been amended to recite, among other things "allocating to a UE at least one timeslot of the plurality of timeslots in the frame at one of the plurality of chip rates based on a chip rate capability of the UE." (Emphasis added).

In contrast, Nasshan discloses adapting a "bit rate" of a communication link in a communication system (col. 1, lines 10-12). The bit rate is adapted by changing radio interface parameters, described as follows:

The method according to the invention is advantageously developed in such a manner that, during a communication a request for a new bit rate is signaled, and the number of time slots M or the spreading factor Q of the communication link is

updated for a receiving station with only TDMA capability or CDMA capability, respectively. (Col. 2, lines 43-49).

In particular, the radio interface parameters the system changes to adapt to a bit rate of a mobile station includes: the number of CDMA codes, the spreading factor, the number of allocated timeslots, and . See Figures 4a and 4b for support and the following description:

The more time slots is and the more CDMA codes are assigned to a user, the higher the possible data communication rate (bit rate) for this user.

An alternative solution is a variation of the spreading factor Q according to Fig. 4a and 4b. A constant chip duration T_{chip} is assumed. the number of chips per data symbol d is adapted for a double bit rate compared to Fig. 2 by using a spreading factor of $Q'=Q/2$. If the spreading factor (number of chips per symbol) is fixed at $Q'=2Q$ the bit rate is halved. Since the burst duration and the chip duration T_{chip} are constant, the doubling or halving of the number of data symbols d per halfburst is equal to a variation of the bit rate. (Emphasis added). (Col. 5, lines 34-47).

Therefore, Nasshan, at least, fails to disclose or suggest "a plurality of chip rates" as recited in claim 1. Furthermore, even if Nasshan disclosed a plurality of chip rates, Nasshan fails to disclose "allocating to a UE at least one timeslot of the plurality of timeslots in the frame at one of the plurality of chip rates based on a chip rate capability of the UE."

For at least the foregoing reasons, Applicants submit claim 1 is allowable over Nasshan. Independent claims 24, 47, and 69 have been amended similarly to claim 1. Therefore, Applicants submit claims 24, 47, and 69 are also allowable over Nasshan.

Accordingly, Applicants submit each of the claims 2-23, 25-46, 48-48, and 70-93, each of which is dependent from one of base claims 1, 24, 47, or 69, is allowable over Nasshan.

Therefore, Applicants respectfully request reconsideration and allowance of claims 1-93.

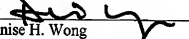
CONCLUSION

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. If it is determined that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

In the event the U.S. Patent and Trademark office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing **Docket No.: 562492004400**. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

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